

SECOND REGULAR SESSION

# HOUSE BILL NO. 2066

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CURTMAN (Sponsor), GATSCHENBERGER, DAVIS, KOENIG,  
BAHR AND ELLINGTON (Co-sponsors).

6281L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to state enforcement of certain federal laws, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be  
2 known as section 1.350, to read as follows:

**1.350. 1. This section shall be known as the "Missouri Liberty Preservation Act".**

2 **2. The general assembly declares that the authority for this section is the following:**

3 **(1) Amendment X of the Constitution of the United States provides that the United**  
4 **States federal government is authorized to exercise only those powers delegated to it in the**  
5 **constitution and nothing more. The guaranty of those limitations on federal power is a**  
6 **matter of contract between the state and people of Missouri and the United States at the**  
7 **time that the constitution was agreed upon and adopted by Missouri and the United States;**

8 **(2) Article VI, Clause 2 of the Constitution of the United States provides that laws**  
9 **of the United States are the supreme law of the land, provided that they are made in**  
10 **pursuance of the powers delegated to the federal government in the constitution;**

11 **(3) Article I, Section 9, Clause 2 of the Constitution of the United States provides**  
12 **that the privilege of the writ of habeas corpus shall not be suspended, unless when in cases**  
13 **of rebellion or invasion the public safety may require it;**

14 **(4) Amendment I of the Constitution of the United States provides that the congress**  
15 **of the United States shall make no law prohibiting the right of the people to petition the**  
16 **government for a redress of grievances;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **(5) Amendment IV of the Constitution of the United States provides that the right**  
18 **of the people to be secure in their persons, houses, papers, and effects against unreasonable**  
19 **searches and seizures shall not be violated;**

20           **(6) Amendment V of the Constitution of the United States provides that the people**  
21 **have a right to be free from deprivation of life, liberty, or property without due process of**  
22 **law;**

23           **(7) Amendment VI of the Constitution of the United States provides that the people**  
24 **have a right in criminal prosecutions to a speedy trial by an impartial jury in the state and**  
25 **district where the crime shall have been committed, to be informed of the nature and cause**  
26 **of the accusation, to confront witnesses, and to counsel; and**

27           **(8) Amendment XIV of the Constitution of the United States provides that the**  
28 **people are to be free from deprivation of life, liberty, or property without due process of**  
29 **law.**

30           **3. The general assembly finds that:**

31           **(1) Section 1021 of the National Defense Authorization Act for Fiscal Year 2012**  
32 **purports to assert the president of the United States' authority to not only arrest suspected**  
33 **terrorists, but also to determine whether or not a trial, including what type of trial, will be**  
34 **held for those arrested;**

35           **(2) Section 1022 of the National Defense Authorization Act for Fiscal Year 2012**  
36 **requires detention without trial by the military for a certain class of terrorist and**  
37 **authorizes but does not require the same for citizens of the United States;**

38           **(3) The exemption for citizens of the United States in section 1022 of the National**  
39 **Defense Authorization Act for Fiscal Year 2012 only exempts citizens from a requirement**  
40 **and reads as follows, "The requirement to detain a person in military custody under this**  
41 **section does not extend to citizens of the United States";**

42           **(4) The enactment into law by the United States Congress of Sections 1021 and 1022**  
43 **of the National Defense Authorization Act for Fiscal Year 2012 is inimical to the liberty,**  
44 **security, and well-being of the people of Missouri, and was adopted by the United States**  
45 **Congress in violation of the limits of federal power in the Constitution of the United States,**  
46 **including but not limited to, those listed in subsection 2 of this section.**

47           **4. (1) The state of Missouri shall not provide material support or participate in**  
48 **any way with the implementation of Sections 1021 and 1022 of the National Defense**  
49 **Authorization Act for Fiscal Year 2012 within the boundaries of this state.**

50           **(2) The department of public safety is hereby directed to report to the governor and**  
51 **the general assembly any attempt by agencies or agents of the United States federal**  
52 **government to secure the implementation of Sections 1021 and 1022 of the National**

53 **Defense Authorization Act for Fiscal Year 2012 through the operations of that or any other**  
54 **state department.**

55 **(3) The indefinite detention, prosecution according to the law of war, and transfer**  
56 **to a foreign jurisdiction of persons as provided for by Sections 1021 and 1022 of the**  
57 **National Defense Authorization Act for Fiscal Year 2012 are in direct contravention to the**  
58 **limits on federal power as specified in subsection 2 of this section and are illegal within the**  
59 **boundaries of the state of Missouri.**

60 **5. (1) Any public officer, employee, or agent of the state of Missouri, or any**  
61 **employee of a corporation providing services to the state of Missouri that enforces or**  
62 **attempts to enforce an act, order, law, statute, rule, or regulation of the government of the**  
63 **United States in violation of subsection 4 of this section shall be guilty of a class B**  
64 **misdemeanor.**

65 **(2) Any official, agent, or employee of the government of the United States, or**  
66 **employee of a corporation providing services to the government of the United States that**  
67 **enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the**  
68 **government of the United States in violation of subsection 4 of this section shall be guilty**  
69 **of a class A misdemeanor.**

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